

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 16, 2000

DIVISION ONE

B137380 Marcus M. Hood (Not for Publication)
 v.
 Sears, Roebuck & Co.

The judgment is affirmed. Sears is awarded its costs of appeal.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
 Mallano, J.

B138069 Stauffer (Not for Publication)
 v.
 Stauffer

The order fixing Shawn's arrearages at \$42,499 and ordering him to pay that amount in installments is reversed, and the cause is remanded to the trial court with directions to determine whether Shawn has paid Judith for the months he skipped in 1997 and 1998 and, if so, to determine the amount of credit (if any) due to Shawn. The parties are to pay their own costs of appeal.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
 Mallano, J.

DIVISION ONE (Continued)

B128404 Arman (Not for Publication)
 v.
 Arman

The November 6, 1998, orders are affirmed. The parties are to pay their own costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Mallano, J.

B133313 People (Not for Publication)
 v.
 Kuhn et al.

The judgments are affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
 Mallano, J.

B134943 Teisher
 v.
 City of Palos Verdes Estates et al.

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed August 30, 1999) dismissed.

DIVISION TWO

B135474 A/R Capital (Not for Publication)

V.

J.R. Olsen Bonds & Insurance Brokers

Insurance West Corporation

The May 10 judgment and the July 30 judgment are amended to jointly constitute a single summary judgment in favor of defendants. That summary judgment is reversed because summary disposition of the second cause of action for breach of fiduciary duty, third and fourth causes of action for intentional and negligent misrepresentation, respectively, was error. Summary adjudication of the first cause of action for negligence is affirmed. Each party is to bear its own costs on appeal.

Todd, J.

We concur: Boren, P.J.

Nott, J.

B136170 Pegorare

V.

Wong

Filed order modifying opinion. (No change in the judgment)

DIVISION THREE

B140480 People (Not for Publication)

V.

Perez

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.

Kitching, J.

DIVISION THREE (Continued)

B131439 City of Los Angeles et al. (Not for Publication)
 v.
 Jesse Charles Sanchez

Those portions of the judgment (1) vacating the findings of the Los Angeles Board of Rights as to Sanchez, and (2) disqualify the three names members of the Board of Rights from hearing any further evidence or testimony relating to the charges brought against Sanchez, are affirmed. That portion of the judgment ordering Sanchez reinstated to his job retroactive to the date of his suspension and relief from duty, with back pay and benefits, is reversed and the trial court is instructed to enter a new judgment directing the Los Angeles Board of Rights to afford Sanchez a new, full, and fair hearing as soon as possible. Each party to bear its own costs on appeal.

Aldrich, J.

We concur: Klein, P.J.
 Croskey, J.

B129928 People (Not for Publication)
 v.
 Rosell

The judgment is modified to reflect the \$200 suspended parole revocation fine imposed by the trial court. The clerk of the superior court is ordered to prepare an amended abstract of judgment as set forth in this opinion and to forward a copy to the Department of Corrections. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
 Croskey, J.

DIVISION THREE (Continued)

[illegible]

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B132893 People (Not for Publication)
v.
Phillips

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B136455 People (Not for Publication)
v.
Maple

The judgment is modified to conform to the trial court's oral pronouncement of judgment and, as so modified, affirmed. The clerk of the superior court is directed to prepare and forward to the Department of Corrections an amended abstract of judgment which reflects a term of 30 years to life in state prison for forcible rape, five years for a prior serious felony conviction under section 667, subdivision (a), and one year for a prior prison term under section 667.5, subdivision (b), for a total unstayed term of 36 years to life in state prison.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION THREE (Continued)

B132345 People (Not for Publication)
v.
Cassidy

The judgment (order granting probation) is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B132556 People (Not for Publication)
v.
Douglas

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B133596 People (Not for Publication)
v.
Fitzgerald

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION THREE (Continued)

B122705 Harvey Ming Huang (Not for Publication)
v.
Division of Medical Quality of the Medical Board of State of California

We have treated Huang's appeal as a petition for an extraordinary writ.
Petition for writ denied. Board is awarded its costs on review by way of
petition for a writ.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B136172 Paul W. Chandler (Not for Publication)
v.
Gatherings D'Elegance, Inc., et al.

The judgment is affirmed. Respondent(s) to recover costs.

Croskey, Acting P.J.

We concur: Aldrich, J.
Perluss, J. (Assigned)

B135874 People
v.
Bennie Lee Moloy

Filed order modifying opinion. Petition for rehearing is denied. (No
change in the judgment)

DIVISION FOUR

Court convened at 9:00 A.M.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Curry, J. and V. Guzman, Deputy Clerk.

B140517 Los Angeles County, D.C.F.S.
 v.
 Parketta G.

Merits:

Argued by Harry Zimmerman for appellant and by Jill Regal, deputy county counsel, for respondent. Cause submitted.

B134294 Young
 v.
 Yuh

Merits:

Argued by W. Roger Scott for appellant and by Michael L. Justice for respondent. Cause submitted.

B134601 People
 v.
 Mariscal

Merits:

Argued by John Lanahan for appellant and by Robert M. Snider, deputy attorney general, for respondent. Cause submitted.

B133413 Thomas
 v.
 Gordon

Merits:

Argued by Andrew N. Chang for appellant and by Thomas N. Charchut for respondent. Cause submitted.

DIVISION FOUR (Continued)

B136891 Ramirez
 v.
 Ramirez

Merits:

Argued by John A. O'Malley for appellant and by V. Michael Muttart for respondent . Cause submitted.

B133284 Gardenhire
 v.
 Housing Authority of the City of Los Angeles et al.

Merits:

Argued by Alan R. Zuckerman for appellant and by Stuart B. Esner for respondents. Cause submitted.

B138646 Canyon Homeowners Association et al.
 v.
 City of Los Angeles et al.

Merits:

Argued by John M. Bowman for appellant, by Tayo A. Popoola, deputy city attorney, for respondent and by Stephen L. Jones for cross-appellant. Cause submitted.

B128450 El Dorado Communications
 v.
 AT&T Commercial Finance Corporation et al.

Merits:

Argued by William C. Price for appellant, by Darrel J. Hieber for respondent AT&T Commercial Finance and by David Pettit for respondent Northwestern Mutual Life Insurance Company. Cause submitted.

Court in recess.

DIVISION FOUR (Continued)

Court reconvened at 1:30 P.M.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Curry, J. and V. Guzman, Deputy Clerk.

B131207 People
 v.
 Murillo

Merits:

Argued by for appellant and by Joseph P. Lee, deputy attorney general, for respondent. Cause submitted.

B131926 County of Los Angeles
 v.
 Ranger Insurance Company

Merits:

Argued by Kenneth F. Weston for appellant and by Jonathan H. Geller, deputy city attorney, for respondent. Cause submitted.

B136190 Kordich
 v.
 Washor et al.

Merits:

Argued by Kristal Marie Gunn for appellant and by Roxanne Huddleston for respondents. Cause submitted.

B137929 Porter
 v.
 Los Angeles County Metropolitan Transportation Authority

Merits:

Argued by Cassandra G. Langston for appellant and by Peter M. Appleton for respondent. Cause submitted.

DIVISION FOUR (Continued)

B138592 Schwartz
 v.
 National Casualty Company

Merits:
Argued by Lawrence M. Schulner for appellant and by Alan B. Yuter for respondent. Cause submitted.

B138366 Echevarrieta
 v.
 City of Rancho Palos Verdes

Merits:
Argued by Robert Hampton Rogers II for appellant and by Gregory M. Kunert for respondents. Cause submitted.

B128329 De Guere
 v.
 Universal City Studios, Inc.

Merits:
Argued by Edward J. Horowitz for appellant and by Gail Migdal Title for respondent. Cause submitted.

B135107 Hanson
 v.
 City of Los Angeles

Merits:
Argued by John R. Hillsman for appellant and by Christopher B. Bobo, deputy city attorney, for respondent. Cause submitted.

DIVISION FOUR (Continued)

Each of the following:

B138426 People v. Cleveland
B138463 People v. Anderson
B136448 People v. Breazeale
B139685 People v. Nelson
B138731 D.C.F.S. v. Warren W.
B141586 D.C.F.S. v. Teresa M.
B140389 D.C.F.S. v. Sybil L.
B138037 Marvin v. City of Los Angeles
B134625 Lopez v. Community Thrift & Loan, et al.
B131104 Boggs v. Thorndal, et al.
B134494 Wells v. Travelers Group Hotel Del Coronado
B137864 Kanani v. Kanani

Argument waived, cause submitted.

Court Adjourned.

DIVISION FIVE

B145112 Jeff A. Hovey et al.
v.
Stephen Anderson et al.

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed October 5, 2000) dismissed.

B143042 People (Not for Publication)
v.
Arthur Kirsch

The judgment is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

DIVISION SIX

B136510 People (Not for Publication)
v.
McNeal

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

B138214 Louis Charman v. Charman (Not for Publication)

The order is affirmed. Louis shall bear costs on appeal.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

B141461 People (Not for Publication)
v.
United Foods, Inc.

The order granting a preliminary injunction is affirmed. Respondent is awarded its costs on appeal.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

November 16, 2000-Continued

DIVISION SIX (Continued)

B140092 People v. Lopez (Not for Publication)

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

DIVISION SEVEN

B137406 People (Not for Publication)
v.
Blandon

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.
Neal, J.

B137428 People (Not for Publication)
v.
Kane

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

DIVISION SEVEN (Continued)

B137298 People (Not for Publication)
v.
Ragsdale

The order striking the prior serious felony conviction findings and sentencing defendant to six years is set aside and the matter is remanded to the trial court for further proceedings consistent with this opinion.

Lillie, P.J.

We concur: Woods, J.
Neal, J.

B136306 People (Not for Publication)
v.
Ragsdale

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.
Neal, J.

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The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

DIVISION SEVEN (Continued)

B140046 People (Not for Publication)
v.
Lemos

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

B137749 People (Not for Publication)
v.
Ibarra

The judgment is affirmed.

Lillie, P.J.

I concur: Woods, J.
I dissent: Johnson, J. (Opinion)

B143307 Abigail V. and Cesar V. (Not for Publication)
v.
Superior Court, Los Angeles County
(D.C.F.S., County of Los Angeles, r.p.i.)

Because substantial evidence supports the juvenile court's order to conduct a hearing pursuant to section 366.26, the petition is denied on the merits.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

DIVISION SEVEN (Continued)

B131853 Ehumadu
 v.
 Osunwa

Filed order denying petition for rehearing.